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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,312	10/03/2003	Ming-Hung Chen	3074/114	9471

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EXAMINER	
MILLS, DANIEL J	
ART UNIT	**PAPER NUMBER**
3679	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 10/677,312	**Applicant(s)** CHEN ET AL.	
	Examiner Daniel J. Mills	**Art Unit** 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/03/03* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

DPS ~~3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)~~
~~Paper No(s)/Mail Date _____.~~

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification Objections

The disclosure is objected to because of the following informalities:

In the specification, the term "head tube" (page 1 line 11) is unclear and requires further definition.

The second paragraph of page 2 (page 2, lines 6-13) is replete with errors. The following are examples noted by the examiner: "however" (line 6), "after all," (line 8), "besides" (line 9) confuse the meaning of their respective sentences and should be deleted. The phrase "which results in that the engagement between the steering tube (60) and the clamping tube (52) is not secured and a rider's safety is at risk" (page 2, lines 11-13) is unclear and should be rewritten.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-9, 11-13, and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Li (US 6,234,506).

As to claim 1, Li discloses a securing device for securing engagement between a stem and a steering tube, which is received in the stem of a bicycle comprising:
a cap (11) engage able with distal ends of both a clamping tube of the stem and the steering tube; a securing element (15) movably received in the steering tube;
an abutting element (14) deform ably (abutting element is deformed by the movement of 15) received between the cap and the clamping tube for engagement with an inner periphery of the steering tube so as to force the steering tube to securely engage with the clamping tube of the stem; a means for driving (12) the securing element to move so as to force the abutting element to deform inside the steering tube (Figure 1).

As to claim 2, Li discloses a securing device with an abutting element (14), which has two legs (Li shows either two pairs of opposing legs or two opposing legs which are split) oppositely extending outward from a top board (pointed to by 14) and each leg having an abutting face perpendicularly formed relative to the top board for engagement with the inner periphery of the steering tube (Figure 1).

As to claim 3, Li discloses a securing device with a cap (14) which has a through hole (111) defined through a first extension formed on a bottom face of the cap and a second extension formed on a bottom face of the first extension (Figure 1).

As to claim 4, Li discloses a securing device with a cap (14) which has a through hole (111) defined through a first extension formed on a bottom face of the cap and a second extension formed on a bottom face of the first extension (Figure 1).

As to claim 5, Li discloses a securing device with a cap (14) with a limiting recess (structure 112 forms such a recess if the bottom surface of structure 112 is taken as the bottom of the second extension) defined in a bottom face of the second extension to correspond to the top board (141) so that the top board is able to be received and limited in the limiting recess (Figure 1).

As to claim 7, Li discloses a securing device with a securing element that has a stop (152) formed on a top face of the securing element and having two truncated side faces respectively and oppositely formed on a periphery of the stop (Figure 1).

As to claim 8, Li discloses a securing device with a securing element that has a stop (152) formed on a top face of the securing element and having two truncated side faces respectively and oppositely formed on a periphery of the stop (Figure 1).

As to claim 9, Li discloses a securing device with a securing element that has a stop (152) formed on a top face of the securing element and having two truncated side faces respectively and oppositely formed on a periphery of the stop (Figure 1).

As to claim 11, Li discloses a securing device wherein the abutting element (14) has a first hole (141) corresponding to the through hole of the cap and the securing element has a second hole (151) corresponding to the first hole such that the driving means is able to extend through the through hole, the first hole and into the second hole to drive the securing element to move toward the cap and to force the two legs of the abutting element to expand for engagement with the inner periphery of the steering tube (Figure 1).

As to claim 12, Li discloses a securing device wherein the abutting element (14) has a first hole (141) corresponding to the through hole of the cap and the securing element has a second hole (151) corresponding to the first hole such that the driving means is able to extend through the through hole, the first hole and into the second hole to drive the securing element to move toward the cap and to force the two legs of the abutting element to expand for engagement with the inner periphery of the steering tube (Figure 1).

As to claim 13, Li discloses a securing device wherein the abutting element (14) has a first hole (141) corresponding to the through hole of the cap and the securing element has a second hole (151) corresponding to the first hole such that the driving means is able to extend through the through hole, the first hole and into the second hole to drive the securing element to move toward the cap and to force the two legs of the abutting element to expand for engagement with the inner periphery of the steering tube (Figure 1).

As to claim 15, Li discloses a securing device wherein the driving means is a bolt (12) to extend through the cap (11), the abutting element (14), and thread into the securing element (15) such that rotation of the bolt is able to drive the securing element to move toward the cap to deform the abutting element (Figure 1).

As to claim 16, Li discloses a securing device wherein the driving means is a bolt (12) to extend through the cap (11), the abutting element (14), and thread into the securing element (15) such that rotation of the bolt is able to drive the securing element to move toward the cap to deform the abutting element (Figure 1).

As to claim 17, Li discloses a securing device wherein the driving means is a bolt (12) to extend through the cap (11), the abutting element (14), and thread into the securing (15) element such that rotation of the bolt is able to drive the securing element to move toward the cap to deform the abutting element and thus the two legs of the abutting element are able to expand for engagement with the inner periphery of the steering tube (Figure 1).

As to claim 18, Li discloses a securing device wherein the driving means is a bolt (12) to extend through the cap (11), the abutting element (14), and thread into the securing element (15) such that rotation of the bolt is able to drive the securing element to move toward the cap to deform the abutting element and thus the two legs of the abutting element are able to expand for engagement with the inner periphery of the steering tube (Figure 1).

As to claim 19, Li discloses a securing device wherein the driving means is a bolt (12) to extend through the cap (11), the abutting element (14), and thread into the securing element (15) such that rotation of the bolt is able to drive the securing element to move toward the cap to deform the abutting element and thus the two legs of the abutting element are able to expand for engagement with the inner periphery of the steering tube (Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Kirkham (US 3,674,294). Li discloses applicant's basic inventive concept, a device for securing engagement between a stem and a steering tube. Li fails to disclose a device comprising hooks formed on the free end of each leg of the securing element.

Kirkham teaches the application of hooks formed on the free ends of a securing element (Figure 3 and 12 numbers 54, 62,64; Figure 5 numbers 102, 110, 112) to be old in the tubing removable axial mounting art. Kirkham teaches that these structures are useful for secure engagement of the internal surface of the tube. Accordingly, it would have been obvious to one of ordinary skill in the art to modify a device as disclosed by Li to include hooks on the free end of the legs of the securing element (Figure 1 number 14) in order to provide secure engagement of the walls of the steering tube.

As to claim 10, Li discloses a securing device with a securing element that has a stop (152) formed on a top face of the securing element and having two truncated side faces respectively and oppositely formed on a periphery of the stop such that the two hooks of the abutting element are able to respectively engage (the side3 faces of the slot 143 engage the side faces of structure 152) with a corresponding one of the truncated side faces and thus the abutting element is limited by the securing element. (Figure 1).

As to claim 14, Li discloses a securing device wherein the abutting element (14) has a first hole (141) corresponding to the through hole of the cap and the securing element has a second hole (151) corresponding to the first hole such that the driving means is able to extend through the through hole, the first hole and into the second hole to drive the securing element to move toward the cap and to force the two legs of the abutting element to expand for engagement with the inner periphery of the steering tube (Figure 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chi (US 5,605,075), Chiang (US 5,387,255), Liao (US 5,442,973), Kao (US 5,400,676), Chen (US 5,647,684), and Lin (US 5,657,670), show bicycle stem securing devices. It is also noted that several of the applicant's claims read on the applicant's admitted prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached during business hours M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3-30-2005